IN THE MATTER OF THE APPLICATION OF WILLIAM J. PERDUE FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTHEAST SIDE OF RIVERSIDE DRIVE, 100' SOUTHEAST OF OPPOSITE INTERSECTION OF TAYLOR AVE.: 15th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY CASE NO. 88-511-A

OPINION

The matter comes to the Board as an appeal from the decision of the Deputy Zoning Commissioner dated July 15, 1988 which granted the property owner's Petition for Variance, subject to restrictions.

At the hearing before the Board, Barbara J. Perdue appeared as the sole witness/representative of the Petitioners. She explained that she was the wife of the Petitioner, Gary J. Perdue, and the daughter-in-law of William J. and Doris A. Perdue. She produced a letter from the Petitioners which has been accompted by this Board, and states the Petitioners' desire to withdraw their Petition. On the record, the Board explained its procedure to Mrs. Perdue and the impact of the Petitioners' withdrawal of their request for variance. The Board also provided Mrs. Perdue the opportunity to produce testimony and evidence in support of the Petition. There was no such testimony offered.

In view of the de novo nature of the Board's hearings and the absence of any testimony in support of the Petition, we are obligated to deny the requested variance and will so order.

ORDER

It is therefore this 23rd day of December , 1988 by the

and be responsible for returning, said property to its original condition.

2) The Petitioners shall submit to the Office of Current Planning for approval within thirty (30) days of the date of this Order, a landscaping plan which provides for screening and soundproofing of the pool area. A copy of the plan approved by Current Planning shall be submitted to the Office of Zoning within sixty (60) days of the date of this Order.

-3-

_ M Note we an ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) ric00____ Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: William J. Perque / Doris A. Perque (Type or Print Name) (Type or Print Name) William & Person Dorish Pulse City and State Attorney for Petitioner: 520 Riverside Drive 574-5805 (Type or Print Name) Baltimore, Maryland 21221 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted <u>Gary J. Perdue</u> Attorney's Telephone No.: _____

PETITION FOR ZONING VACANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 400.1 To allow an accessory structure (pool) to be

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: \$8-5/1-A

located in the side yard in lieu of the required rear yard.

Case No. 88-511-A

William J. Perdue

Variance be and is hereby DENIED.

COUNTY BOARD OF APPEALS

Lawrence E. Schmidt, Acting Chairman

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Mandada as follows:

Petition for Zoning Variance Case number: 88-511-A SES Riverside Drive, 100' SE &

Opposite Intersection of Taylor Avenue. (520 Riverside Drive)

Petitioner(s):
William J. Perdue, et al

Hearing Date: Tuesday, June 28, 1988 at 9:00 a.m.

Variance to allow an accessor

In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoring Commissioner will, however, entertain any request for a stay of the issuance of

said permit during this period for good cause shown. Such reque

must be in writing and received in this office by the date of the hearing

set above or presented at the hear

ture (pool) to be located in the

faryland as follows:

OF BALTIMORE COUNTY

IN RE: PETITION FOR ZONING VARIANCE SE/S Riverside Drive, 100' SE Opposite Intersection of * DEPUTY ZONING COMMISSIONER Taylor Avenue County Board of Appeals of Baltimore County ORDERED that the Petition for (520 Riverside Drive) * OF BALTIMORE COUNTY 15th Election District 5th Councilmanic District * Case No. 88-511-A William J. Perdue, et ux Any appeal from this decision must be made in accordance * * * * * * * * * * * with Rules B-1 through B-13 of the Maryland Rules of Procedure.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit

The Petitioners appeared and testified. Also appearing on behalf of the Petition were: Gary and Barbara Perdue, the Petitioners' son and daughter-in-law. Donald and Mary Twine, adjacent property owners, ap-

Testimony indicated that the subject property, known as 520 Riverside Drive, is zoned D.R. 5.5. The Petitioners propose to construct a swimming pool which, due to the location of other improvements on the property, must be placed in the side yard.

The adjoining neighbors, Mr. & Mrs. Twine, appeared, not as protestants but as interested parties. Mr. & Mrs. Twine stated they appeared to find out the exact location for the proposed pool as they were concerned about the noise level and effect it would have on the use of their own property. In light of the location of the pool, which will be even lengthwise with the front and side of their home, the parties discussed the matter and indicated on the record that they had reached an agreement as to hours the pool would be in use at night and monitoring the

playing of the radio by the pool. The Petitioners indicated that they have installed a 6-foot high fence between their property and the Twines' property to provide screening and privacy.

Based upon the testimony and evidence presented at the hearing. in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public, provided the owners are considerate of their neighbors with respect to the hours the pool is in use. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\frac{1}{3}$ day of July, 1988 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the granting of the relief requested:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return,

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY William J. Paradue ofor Location of property: SE/S Plans de Bries 100' SE/ Joylev Ave. Soo Redonalda Dailo Property being Known as Lots 3 and 4, Block D' Section E"; Revised plat of Toylor Land co. Property, Bulto. Co., Plat Book 9, folios 74 & 75. (Essex Subdivision) Location of Signe 1601 the XCod way of Revosed Dr. office, I'll nod weg - was free for by 4 let levis

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.

Balto., Md. 21221

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 9, 19 88

> THE JEFFERSONIAN. 5. Zehe Orlan

* 33.75

Publisher

THIS IS TO CERTIFY, that the annexed advertisement of W. Chesapeake Avenue in Towson, Maryland as follows: Petition for Zoning Variance Case Number: 88-511-A PO# 01064 REQ# M14954 TO ADVERTISE PETITION FOR SES Riverside Drive, 100° & Opposite intersesction of Taylor Avenue (520 Riverside ZONING VARIANCE CASE NUMBER 88-511-A SES RIVERSIDE DRIVE 100' SE & OPPOSITE INTERSECTION OF TAYLOR AVE. (520 Drive)
Petitioner(s): William J. Per RIVERSIDE DRIVE) PETITIONERS WILLIAM J. PERDUE, ET UX AL HEARING SCHEDULED TUESDAY JUNE 28, 1988 at 9:00 am 77 lines at \$42.35 was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for One successive week(s) before the <u>10th</u> day of <u>June</u> 1988.

The Avenue Inc.

that is to say, the same was inserted in the issues of 6/9/1988

due, et al HEARING SCHEDULED: TUESDAY, JUNE 28, 1988 at 9:00 a.m. Variances to allow accessory structure (pool) be located in the side yard i lieu of the required rear yard in the event that this Petition i granted, a building permit may be issued within the thirty (30) day appeal period. 7 Zoning Commissioner however, entertain request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hear ing set above or presented a earing. __J. Robert Haines Zoning Commissioner of Baltimore County

Notice Of Hearing
The Zoning Commissioner of
Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County

will hold a public hearing on

the property identified herein in Room 106 of the County

Office Building, located at 11

J. Robert Strines
Zoning Commissioner of Baltimore County.

JUNE 9, 19 88

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

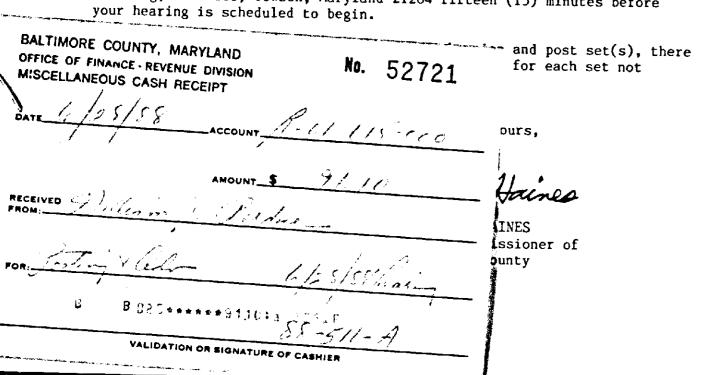
Mr. William J. Perdue, et al 520 Riverside Drive Baltimore, Maryland 21221

Res Petition for Zoning Variance CASE NUMBER: 88-511-A SES Riverside Drive, 100° SE & Opposite Intersection of Taylor Avenue (520 Riverside Drive) Petitioner(s): Milliam J. Perdue, et al HEARING SCHEDULED: TUESDAY, JUNE 28, 1988 at 9:00 m.m.

Please be advised that $\frac{Q_{1,1}Q_{2,1}}{Q_{2,1}Q_{2,2}}$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.



Plut for a Zoning Injanco Owner: William, Doris & Gary Pendue Zoning = DR-5.5 t size: . 622 poret Scale: linch = 60ft, Public Utilities in Riverside DR. 15th Election District

PHONE: 483-5150 KELLER & KELLER LAND SURVEYS State Registered Land Surveyors 914 WOODLEA AVENUE BALT MORE, MARYLAND 21206 NAYLOR AVE.

Plat altered for Zoning purposes, Proposed Pool THS PLAT IS INTENDED TO SHOW THE IMPROVEMENTS ONLY, AND IS NOT TO BE CONSTRUED AS AN ESTABLISHMENT OF PROPERTY LINES. Reference Plats: 1) Esset Subdivision Bollo. Co. Plat Book 5/39

This is to Certify that we have this day made a Field Location

Survey of SEO HIVERSIDE DR. & Man Taylor 2) Essex Sub (Taylor Land Ca) Dello Co Hal Book 9/1475 Lots 3 of 4 Dlock "O"

Section " For Revised Plat

of Taylor Land Co. Property,

Daylo Co. Plat Book

No. 5, Jolios 74 8c. 75 and the property lines are as shown on this Plat.

 Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines
Zoning Commissioner April 29, 1988

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at Ill W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 88-511-A SES Riverside Drive. 100° SE & Opposite Intersection of Taylor Avenue (520 Riverside Drive) Petitioner(s): William J. Perdue, et al HEARING SCHEDULED: TUESDAY, JUNE 28, 1988 at 9:00 a.m.

Variance to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: William J. Perdue, et al

PETITION FOR ZOUNG VARIANCE SE/S Riverside Drive, 100' SE Opposite Intersection of Taylor Avenue (520 Riverside Drive) 15th Election District 5th Councilmanic District

William J. Perdue, et ux Petitioners

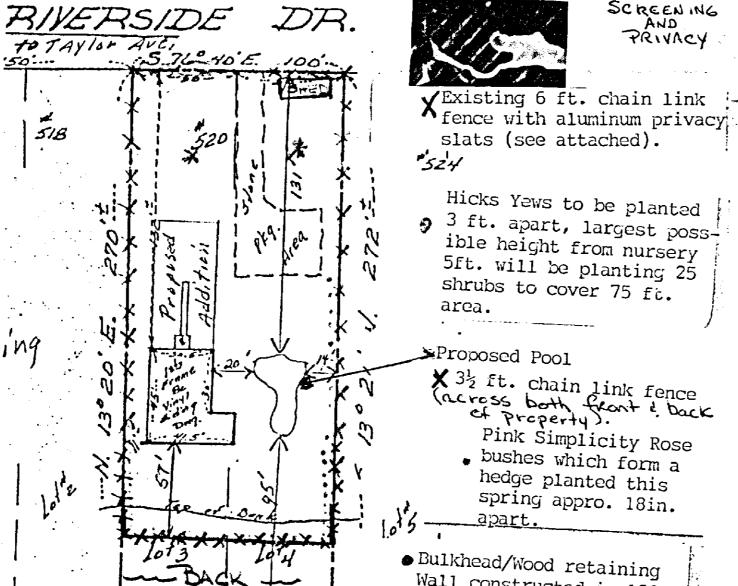
574. 3226 home phone

* BEFOR THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANHING AND ZONIC
LANGSCAPE PLAN APPROVE



Planted two years ago 2) The Petitioners shall submit to the Office of Current Planning for approval within thirty (30) days of the date of this Order, a landscaping plan which provides for screening and soundproofing of the pool area. A copy of the plan approved by Current Planning

shall be submitted to the Office of Zoning within

sixty (60) days of the date of this Order.

69999999 1 ,9-,01 RIVERSIDE DR.

SCREEN ING Wall constructed in 1987 Podorado Spruce Tree

88-511-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 13th day of April , 1988.

Petitioner <u>William J. Perdue, et al</u> Received by: <u>James F. Dyer</u> Chairman. Zoning Plans

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

RE: Item No. 361 - Case No. 88-511-A

Petition for Zoning Variance

Petitioner: William J. Perdue, et al

The Zoning Plans Advisory Committee has reviewed the plans

submitted with the above referenced petition. The following

comments are not intended to indicate the appropriateness of the

petition was accepted for filing on the date of the enclosed

Very truly yours,

James & Dyeldt

Zoning Plans Advisory Committee

filing certificate and a hearing scheduled accordingly.

June 6, 1988

Mr. Gary J. Perdue

Dear Mr. Perdue:

520 Riverside Drive

Baltimore, Maryland 21221

COUNTY OFFICE BLDG. Towson, Maryland ...204

MEMBERS Bureau of

Engineering Department of Traffic Engineering

Project Planning Building Department Board of Education Zoning Administration

State Roads Commission Health Department

Industrial

zoning action requested, but to assure that all parties are made

aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This

Baltimore County

Department of Public Works Bure as of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

May 10, 1988

Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 358, 359, 360, 361, 363, 364, 365, 366, 367 and 368.

> Very truly yours, Stephen E. Weber, P.E. Assistant Traffic Engineer

BALTIMORE COUNTY, MARILAND

INTER-OFFICE CORRESPONDENCE

Date May 12, 1988 TO J. Robert Haines Zoning Commissioner FROM P. David Fields, Director
Office of Planning and Zoning RECEIVED ZONING OFFICE SUBJECT_Zoning Petitions #88-502-A, 88-510-A, 88-511-A, 88-512-A, 88-513-A, 88-515-A, 88-516-A, 88-517-A, 88-518-A, and 88-519-A

There are no comprehensive planning factors requiring comment on the subject petitions.

cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning Office

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Towson, MD 21204

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning

Baltimore County Office Building



Zoning Agenda: Meeting of 4/12/88

Re: Property Owner: William J. Perdue, et ux

Dennis F. Rasmussen Location: SE/S Riverside Drive, 100' SE of and opp. intersection of Taylor Avenue

April 20, 1988

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: At the Holly 4-20 f8 Approved:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

July 19, 1988

Mr. & Mrs. Donald W. Twine 524 Riverside Drive Baltimore, Maryland 21221

RE: Petition for Zoning Variance SE/S Riverside Drive, 100' SE of Opposite Intersection of Taylor Avenue (520 Riverside Drive) William J. Perdue, et ux - Petitioners Case No. 88-511-A

Dear Mr. & Mrs. Twine:

This letter is to acknowledge receipt of your correspondence dated July 16, 1988 on the above-captioned matter. As you are aware, a decision was rendered in this matter as of July 15, 1988. If you are unhappy with this decision, you have the right to file an appeal, through this office, to the County Board of Appeals. If you would like additional information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, ANN M. NASTAROWICZ

> > for Baltimore County

Deputy Zoning Commissioner

AMN:bjs

cc: Case File

Dennis F. Rasmussen

RE: Petition for Zoning Variance SE/S Riverside Drive 100' SE Opposite Intersection of Taylor Avenue (520 Riverside Drive) 15th Election District, 5th Councilmanic District WILLIAM J. PERDUE, et ux - Petitioner

Baltimore County Board of Appeals

County Office Building, Room 315

Case No. 88-511-A

Towson, Maryland 21204

Dear Board:

Baltimore County

J. Robert Haines

494-3353

Zoning Commissioner

Office of Planning & Zoning

Towson, Maryland 21204

Please be advised that an appeal of the above-referenced case was filed in this office on August 10, 1988 by Mr. & Mrs. D. Twine, interested parties. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Zoning Commissioner

September 7, 1988

Dennis F. Rasmussen

JRH:cer Enclosures

cc: Mr. & Mrs. Donald M. Twine 524 Riverside Drive, Balto., Md. 21221

> Mr. & Mrs. William J. Perdue 519 Riverside Drive, Balto., Md. 21221

Mr. & Mrs. Gary Purdue 520 Riverside Drive, Balto., Md. 21221

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Zoning Variance SE/S Riverside Drive, 100' SE Opposite Intersection of Taylor Avenue (520 Riverside Drive) 15th Election District - 5th Councilmanic District WILLIAM J. PERDUE - Petitioner Case No. 88-511-A

Petition for Zoning Variance Description of Property

Certificate of Posting Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: Plat showing improvements only

Deputy Zoning Commissioner's Order dated July 15, 1988 (Granted with

Notice of Appeal received August 10, 1988 from Mr. & Mrs. D. Twine.

cc: Mr. & Mrs. Donald M. Twine 524 Riverside Drive, Balto., Md. 21221 Mr. & Mrs. William J. Perdue

519 Riverside Drive, Balto., Md. 21221 Mr. & Mrs. Gary Purdue

520 Riverside Drive, Balto., Md. 21221 People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning

Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor Docket Clerk

Dennis F. Rasmussen

July 15, 1988

Mr. & Mrs. William J. Perdue 520 Riverside Drive Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE SE/S Riverside Drive, 100' SE and Opposite the intersection of Taylor Avenue (520 Riverside Drive) 15th Election District; 5th Councilmanic District Case No. 88-511-A

Dear Mr. & Mrs. Perdue:

Baltimore County

494-3353

J. Robert Haines Zoning Commissioner

Zoning Commissioner

Office of Planning & Zoning Towson, Maryland 21204

> Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

> In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

> > Very truly yours,

for Baltimore County

People's Counsel File

cc: Mr. & Mrs. Donald Twine

Enclosure

Deputy Zoning Commissioner

524 Riverside Drive. 21221

Re: CASE NO. 88-511-A

We the owners of the property known as 520 Riverside Drive, Baltimore, Maryland 21221, have choosen at this time not to continue with the pursuit for the pool variance. We have considered this matter quite seriously so as not to make a rash decision.

Should we decided in the future that a pool would be to our liking, we will use an alternate method in which our neighbors will not have a part in the decisions taking place in our front side, or back yard.

This matter has made us very aware of our rights with regards to our neighbor's property and we will definitely be on guard for any changes in our community that may affect it or us as property owners and taxpayers.

Sincerely,

William J. Perdue William J. Perdue Doris A. Perdue Don't a Perdue

Gary J. Perdue

To Whom It May Concern:



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 494-3180

HEARING RM. 301

September 30, 1988 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-511-A

WILLIAM J. PERDUE

520 Riverside Drive

15th E. District

Var.-To allow access. structure (pool) to be located in side yd. in lieu of rear yd. 7/15/88 - Variance GRANTED subj. to

restrictions.

WEDNESDAY, DECEMBER 21, 1988, at 10 a.m.

cc: Mr. & Mrs. D. M. Twine

ASSIGNED FOR:

Mr. & Mrs. Wm. J. Perdue Petitioners

Mr. & Mrs. Gary Perdue

- Frople's Coursel out per 5. Hess 10/04/68

P. David Fields J. Robt. Haines Ann Nastarowicz J. E. Dyer

Docket Clerk

June Holmen, Secy.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 494:3133 887-3180

December 23, 1988

John B. Gontrum, Esquire ROMADKA, GONTRUM & HENNEGAN 809 Eastern Boulevard Baltimore, MD 21221

> RE: Case No. 88-511-A William J. Perdue

Dear Mr. Gontrum:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the

subject case.

Sincerely yours,

Karley & Buaixhammer Kathleen C. Weidenhammer Administrative Secretary

cc: Mr. & Mrs. Donald M. Twine Mr. & Mrs. William J. Perdue Docket Clerk -Zoning Arnold Jablon, County Attorney

Petition for Zoning Variance SE/S Riverside Drive, 100' SE Opposite Intersection of Taylor Avenue (520 Riverside Drive) 15th Election District - 5th Councilmanic District WILLIAM J. PERDUE - Petitioner

Variance-To allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.

Case No. 88-511-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: Plat showing improvements only

Deputy Zoning Commissioner's Order dated July 15, 1988 (Granted with

Notice of Appeal received August 10, 1988 from Mr. & Mrs. D. Twine.

cc: *Mr. & Mrs. Donald M. Twine

524 Riverside Drive, Balto., Md. 21221 Mr. & Mrs. William J. Perdue
519 Riverside Drive, Balto., Md. 21221

Mr. & Mrs. Gary Purdue 520 Riverside Drive, Balto., Md. 21221 People's Counsel of Baltimore County out per 5. Hess 16/64/88 Rm. 304, County Office Bldg., Towson, Md. 21204

P. David Fields, Director of Planning & Zoning Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor

PLEASE PRINT CLEARLY

TRIEBESTED MATTES

PETITIONER(S) SIGN-IN SHEET

are Ludue

8/5/	18
0/0/	0

Dear Mrs. Nastarowing

This letter is in reference to lase No. 88-511-A, Petition for Variance for a pool in the sideyard of 520 Generale Dr. He want to appeal your decision of July 15 to grant the variance for the pool. Keasons for alsowing this decicion were

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

_ACCOUNT_001-006-6150

AMOUNT \$ 70.00 PROM: TWINE PURDUE - PETITIONER

B B156******9000:a 31187

01/16/88

Dear Ma Mastarowicz,

This letter is in reference to case # 88-511-A. Mr and Mr. Perdue are requesting a variance to place an inground pool in their side yard. The live next to this side yard at 524 Riverside Dr. The did attend the hearing-as an interested party to find out where the pool was to be placed. after very careful thought and consideration we would now like to oppose the placement of the pool. Tollowing are the reasons we considered:

1. The pool would be only 23 feet from our house, directly adjacent to our hour ECENVEN

ZONING OFFICE

. Dur Front door, which on the side of our house, would face

Our living-room and bedroom undows as well as front door would face the fool, all of which are above the Perines' fence.

Our privacy will be invaded every time they use the pool because it is so close. The do not want to keep our blinds fulled to feel comfortable in our own house. Geople coming to our front door would be uncomfortable as well, and people in the might be uncomfortable because of the

5. In the past we have had a problem with noise echoing between our two houses and now with their 50 ft. additionadficent

to out house noise bo Veneche even more. The pool will be between the two houses.

The would not expect someone in any pool to be totally quet. This would defeat the purpose of having a pool and enjoying it. The would not want to deny anyone the privilege of having a pool if they are fortunate enough to afford the lugury, however, we don't think that our quet and privacy should be intruded upon because of it. if they would consider placing

We have asked the Gerdus the fool in their back yard where there is from and would but down on some of the rase and give more servery, but their answer was negative. Also we were told, by them that they could put in the pool

Vario Berdue even of we opposed & by putting a short bruk wall around it. He appose this also because the short wall in no way would decrease noise ar improve privacy for either of us.

Thank you so much for any attention you can give to this matter and for your time The can be reached at 391-0282 on 524 Riverside Dr. , Balto Md. 21221 if we are needed further.

Sincerely, Mr. S. Mps. Bonald It wine_

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